

Upstate Forever

Promoting Sensible Growth and
Protecting Special Places in the Upstate

14 March 2011

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Re: Proposed Amendments to the 208 Water Quality Management Plan for Non-Designated Area of South Carolina

Upstate Forever is a nonprofit organization working on conservation, sustainable development, and water quality issues in the Upstate region of South Carolina. We are pleased to present the following comments on the proposed amendments to the 208 Water Quality Management Plan for Non-Designated Areas of South Carolina (WQMP).

Section I: Introduction

1. The Department should include as one of the purposes of the WQMP the goal of maintaining wastewater infrastructure needs. The Department should include a section that specifically outlines the procedures to facilitate a systematic, regional approach that encourages facilities to make upgrades that will continue to meet collection and treatment levels while making preparations for anticipated growth.
2. The Department should also include as one of the purposes of the WQMP the goal of increasing the number of green infrastructure, water and energy efficiency improvements and environmentally innovative projects and include a section that specifically outlines the procedures to implement such a plan (see comment on Section III below).
3. The Department should include as one of the purposes of the WQMP the goal of consolidation of non-viable wastewater systems with viable systems that will provide sustainable solutions for existing water quality issues in accordance with local and regional comprehensive plans as described in Section IV.B of the WQMP (see comment on Section IV.B below).
4. Finally, the Department should recognize the impacts of stormwater on water quality by including as one of the purposes of the WQMP the goal of working collaboratively to address the needs of MS4 projects. The Department should include a section in the WQMP that specifically outlines the procedures to minimize stormwater pollution (see also comment on Section III below).

Section III: Institutional Designations and Responsibilities

5. The historic focus of the 208 Plan has been on wastewater; however, the Clean Water Act and the Department recognize the impact that municipalities and other entities have on water quality by requiring MS4 permits. Therefore, the Department should include in this section responsibilities associated with collaboration to address the needs of MS4 projects, including but not limited to public education and outreach, public participation, and Best Management Practices and Low Impact Development techniques.
6. In addition, the revised WQMP should provide guidance for interstate issues given the rising number of conflicts over water quality and water quantity between the South Carolina and its neighboring States.

Section IV: Wastewater Management Policies

A. Location, Sizing, Phasing, and Level of Treatment

7. The management agency should be required to take into account future growth patterns, such as those identified in comprehensive plans, when making expansion and consolidation decisions as well as decisions regarding the location and sizing of new plants and collection lines. DHEC should also encourage management agencies to consider removing conditions that may limit pipe size when replacements are done to the existing pipelines. Allowing for larger pipe sizes while replacing existing lines is a prudent measure that would decrease future costs of maintenance, replacements, and upgrades if done to anticipate future need. Coordinating with local planning entities to direct growth and/or development to areas identified by a comprehensive plan or designated as priority health or water quality areas will in turn discourage growth and development away from areas where it is unwanted.

B. Elimination of Discharges and Consolidation of Facilities

8. Future growth should also be an important factor in determining whether to eliminate an existing plant. As urban areas are redeveloped, population density may increase and provide a need for the extra capacity those plants provide. Similar to the comment above, coordinating with comprehensive plans to consolidate facilities in areas targeted for growth or designated as priority health or water quality areas will in turn discourage growth and development away from areas where it is unwanted.

Regionalized and consolidated treatment can reduce expenses and increase the effectiveness of treating water and waste. Regional treatment providers can spread the costs of capital improvements and operations over a larger customer base, thereby making water or sewage treatment more affordable while providing higher levels of treatment. However, a lack of regional coordination that exists between regional treatment providers, local governments and planning entities, and the larger community continues to be a problem. Because treatment providers play a critical role in growth and development, the success of any regional planning effort, including the WQMP, requires their active participation.

C. Onsite Wastewater Systems

9. The Department should be very clear in this section when stating what onsite wastewater projects will or will not be approved for a permit. As written, it states that individual systems are not allowed “where public sewer is accessible for connection.” The term “accessible” should be clarified so that if annexation is required in order to access sewer infrastructure, sewer is still considered “accessible” at this location. This would avoid possible situations where a new development may attempt to build an on-site septic system in order to avoid annexation, despite the fact that sewer is available in this location.

Section V: Administrative Procedures

A. Conformance Reviews

10. This section states that DHEC will not issue a construction or discharge permit or make an EPA grant or State Revolving Fund loan for wastewater facilities if it conflicts with the applicable 208 plan. We support this approach but also encourage DHEC to consider whether applications for permits conflict with other local and regional plans, including comprehensive plans.
11. The WQMP should explicitly outline the anti-degradation and anti-backsliding review process for DHEC as it relates to determination of conformance of wastewater projects.

B. Plan Updates and Amendments

12. One of the reasons stated in this section for making modifications to the 208 Plan is to bring an anticipated project into conformance with the Plan through a plan amendment. We do not believe that this is a prudent approach for planning - the

WQMP should not be changed in order to account for exceptions. If the WQMP is acceptably written and conforms to other plans, there should be no need to make exceptions or amend the WQMP. Rather, the proposed project should be modified so that it conforms to the WQMP as it is written.

13. Under Amendment Requirements, it is stated that a selected alternative must be the more cost-effective option. However, it is unclear under what circumstances how “cost-effectiveness” is determined. We strongly encourage DHEC to consider the long term cost-effectiveness of all plan updates and amendments since short-term cost effectiveness may differ greatly from the long-term. If decisions are based solely on short-term affordability, then it is likely that the pattern of building infrastructure with pipes of the smallest diameter will continue. In the long-term, however, this approach is likely to lead to unsustainable costs for maintenance, repairs, and upgrades. In addition, decisions based on long-term impacts and comprehensive plans will direct infrastructure upgrades in areas that coordinate with anticipated areas of growth and assist the management agency in achieving the stated goals of consolidation and regionalization of wastewater treatment facilities.
14. Under Types of Amendments, Minor Amendments, part c., the language stating that “any proposals DHEC considers minor with regard to water quality effects or stakeholder interest” is very vague. The Department should clarify this statement by providing a clear definition of “minor water quality effects” or “minor impacts to stakeholder interest” and should provide a rationale for the determination of how the Department intends to evaluate such proposals.
15. While DHEC is providing the public with an opportunity for involvement in the initial decision-making process for creation of the WQMP plan, the public is not provided sufficient involvement opportunities in the implementation or subsequent amendments process for the WQMP. The Department should modify the NPDES permitting process to allow the public sufficient opportunity to be involved throughout the negotiation and permitting process rather than restricting their involvement to comments after the Department and the applicant have agreed on a course of action. In addition, the public should have opportunities to participate in any major or minor revision or change to the WQMP.
16. The WQMP should include a website address for accessing maps where the public can see planned expansions and consolidations.

Thank you for your consideration of these comments. We look forward to working with you in making the appropriate changes to better protect the water quality of the State.

Sincerely,



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